

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

CARL HUTTO, #148 575,

Plaintiff,

v.

TERRANCE ROSE, *et al.*,

Defendants.

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CASE NO. 2:06-cv-328-WKW

ORDER

The Magistrate Judge filed a Recommendation (Doc. # 34) in this case to which no timely objections have been made. After an independent review of the file in this case and upon consideration of the Recommendation, it is ORDERED that:

1. The Recommendation of the Magistrate Judge (Doc. # 34) is ADOPTED;
2. The plaintiff's Motion to Dismiss Complaint Without Prejudice (Doc. # 33) is GRANTED;
3. This case is DISMISSED without prejudice.

An appropriate judgment will be entered.

DONE this 10th day of October, 2007.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE